



A Civilised Divorce – Is it really possible?

A survey conducted for Resolution (a specialist family law organisation) in December 2004 found that 82% of people said it was very important for family lawyers to secure a fair solution of a dispute. At Dickins Hopgood Chidley we positively encourage a fair approach to resolving legal problems arising from a relationship breakdown. With the United Kingdom having the second highest divorce rate within the EEC, we are committed to offering a constructive and civilised way to divorce. In pursuing this commitment we are pleased to offer a new approach to resolving family law disputes by using a process called **Collaborative Family Law**.

What is Collaborative Family Law?

Collaborative Family Law (“CFL”) is a dignified, co-operative approach to negotiating and tackling family law matters including divorce, separation and parenting disputes without going to Court. The object is for clients to keep control of the process with the assistance of specially trained collaborative lawyers. Each party and their specially trained lawyer take part in a series of face-to-face meetings geared towards resolving disputes in a non-confrontational way. Collaborative lawyers aim to put the energy and fees into negotiation and settlement, not adversarial trial preparation.

The advantages of CFL are as follows:

- Both sides and their lawyers work together to find the best solutions;
- CFL is designed to encourage both sides to conduct “*win-win*” negotiations and to have responsibility for their own settlement;
- Both sides are able to set their own pace and agenda according to what is important for ***them and their family***;
- CFL is a good option for people who want to avoid the uncertainties of the court-based system;
- Lawyers are liberated from their usual adversarial role and concentrate on helping their clients negotiate to find the best solution;
- Key decisions about the parties’ future will not be made by a complete stranger – a judge;
- CFL can reduce animosity and assist in maintaining channels of communication between parties.

CFL is one option among a range of options available for resolving family law disputes. The other options fall somewhere in the middle.

For those parties who are able to achieve agreement themselves but require the assistance of an third party, mediation is an available option. This is the process by which separating couples seek to reach an agreement about matters relating to their children, finances and property. Couples discuss the issues in the presence of a trained and neutral independent third party – the Mediator. The role of the Mediator is to help couples co-operate, resolve conflicts and reach joint decisions about any issues that exist between them. This process is also generally much quicker and less expensive than going to Court.

What is the difference between Mediation and CFL?

The difference between Mediation and CFL is that in Mediation there is “one neutral professional” who endeavours to assist the disputing parties to settle their case. The Mediator cannot give either party legal advice nor can they help either side advocate its position. As a consequence both parties require separate legal representation in the form of their own lawyer, who will be available for outside consultation. With CFL each side has a specially trained collaborative lawyer who can assist them at all times during the process. Even if one party or the other lacks negotiating skill, or financial understanding, or is emotionally upset or angry, the playing field is levelled by the presence of the collaborative lawyers.

But does Collaborative Family Law really work?

Data from North America shows the majority of cases settle following 4 to 8 of the face-to-face meetings. Provided everyone enters into the process in good faith, the process is faster, less acrimonious and can result in significantly reduced legal fees than contested court proceedings.

For further information about Collaborative Family Law contact:

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